

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CRIMINAL NO. 1:CR-98-056

v.

PAUL N. LITTLES

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MEMORANDUM

Before the court is a document filed by the captioned Defendant entitled “Motion For Relief From Void Judgment Supporting Memorandum of Points and Authorities.” On September 4, 2001, Defendant filed a motion to vacate judgment pursuant to 28 U.S.C. § 2255. That motion was denied on November 7, 2001. His appeal was denied on June 3, 2003. On January 20, 2006, Defendant filed another petition pursuant to 28 U.S.C. § 2255. That motion was denied on January 27, 2006. The Third Circuit Court of Appeals denied Defendant’s request to file a second or successive § 2255 motion on July 7, 2008.

The current petition is filed pursuant to Federal Rule of Civil Procedure 60(b)(4). Defendant claims the judgments entered pursuant to 28 U.S.C. § 2255 are void because the court did not address a *Batson*¹ claim. However, the Third Circuit Court of Appeals, in a memorandum opinion filed on January 14, 2000 to No. 99-7044, addressed this issue and found there was no *Batson* violation (*see id.* at pp. 3-4).

¹*Batson v. Kentucky*, 476 U.S. 79 (1986).

Defendant's present motion is frivolous. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: January 27, 2011.

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